

# STAFF REPORT

**DATE:** August 29, 2018

**TO:** Board of Adjustment

**FROM:** Zoning Administration  
Planning & Development  
Services Department

**ACTIVITY NO. T18SA00311**

**C10-18-14 EL RANCHO BUNGALOWS PARKING CANOPIES / EL RANCHO BUNGALOWS LLC / 3630 EAST 3<sup>RD</sup> STREET, R-3**

The applicant's property is an approximately 0.92 acre lot zoned R-3 "Residential" and is developed with three duplexes. The applicant is proposing to construct two detached shade structures over the existing parking spaces.

## **THE APPLICANT'S REQUEST TO THE BOARD**

The applicant is requesting the following variances:

- 1) Allow the two detached shade structures to be constructed in the buildable area extending the full width of the lot between the principal building and the front street lot line; and
- 2) Allow a reduced front street perimeter yard setback for the detached shade structure from 20' to 8'-8" as measured from the front street lot line, all as shown on the submitted plans.

## **APPLICABLE TUCSON ZONING CODE SECTIONS**

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.12 *Residence Zone (R-3)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones*, which provides the use criteria in the R-3 zone;

Sections 6.3.4 *Dimensional Standards and Exceptions Tables*, 6.4.5 *Perimeter Yards* and Table 6.3-2.A *Dimensional Standards for the R-1, R-2, R-3, MH-1, & MH-2 Zones*, which provides the dimensional standards applicable to all principal and accessory structures; and

Section 6.6.3 *Specifically Within Residential Zones*, which provides standards specific to accessory structures in a residential zone.

## **GENERAL DEVELOPMENT INFORMATION**

### **Zoning and Land Use**

**SITE: ZONED R-3; (multi-family residential)**

North: Zoned R-3; (single-family residential)  
South: Zoned R-2; (single-family residential)  
East: Zoned R-3; (apartments)  
West: Zoned R-2; (multi-family residential)

### **RELATED PLAN REVIEWS**

#### **Engineering**

The Engineering Section of Planning and Development Services Department has no objections or adverse comments.

### **BOARD OF ADJUSTMENT FINDINGS**

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

### **ZONING ADMINISTRATION CONSIDERATIONS**

The applicant's property is an approximately 0.92 acre lot zoned R-3 "Residential" and is developed with three duplexes. The applicant is proposing to construct two detached shade structures over the existing parking spaces. The project triggers compliance with the Tucson *Unified Development Code (UDC)*.

**Detached Shade Structures**

Per *UDC* Section 6.6.3, detached accessory structures are not permitted in the buildable area extending the full width of the lot between the principal building and the front street lot line. The applicant is requesting a variance to allow the detached shade structures in the area between the principal building and the front street lot line.

Per *UDC* Sections 6.3.4, 6.4.5 and Table 6.3-2.A, the required front street setback for the detached shade structure is 20' as measured from the front street lot line. The applicant is requesting a variance to allow a reduced front street setback to 8'-8".

**Discussion**

The property is located in a neighborhood that consists of high-density, multi-family developments. The site is developed with three detached duplexes. A communal parking lot is located in the area between the buildings and the front street lot lines. The applicants propose to shade vehicles by constructing detached shade structures in the front parking lot area, similar to the development located directly to the north of this property. The proposed shade structures in the parking area are not out of character with the neighborhood and will help provide shade over paved areas which will help reduce the urban heat island effect.

**Conclusion**

Given that parking is an allowed use in these areas and that concentrating vehicular use areas closer to the street is consistent with other properties in the neighborhood; and given that shading the paved parking spaces provides shelter for vehicles and reduces the ambient temperature of the parking lot, staff has no objection to allowing detached shade structures with reduced setbacks in the front buildable area.

**NEIGHBORHOOD CONTACT (BY APPLICANTS)**

See the attached neighborhood notification dated June 22, 2018, and the meeting sign-in sheet dated July 12, 2018.

**PLANNING & DEVELOPMENT SERVICES RECOMMENDATION**

PDSD staff has no objection to the applicant's requested variances.

It is staff's opinion that there are physical circumstances applicable to the property; and that the proposed shade structures would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone; and would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Mark Castro, Lead Planner  
for  
Russlyn Wells, Acting Zoning Administrator

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